

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Civil No. 13-12071

Hon. David M. Lawson

Magistrate Laurie J. Michelson

THREE HUNDRED SIXTY SIX THOUSAND  
FORTY DOLLARS AND EIGHTY FIVE  
CENTS (\$366,040.85) IN UNITED STATES  
CURRENCY, MORE OR LESS, SEIZED  
FROM TD AMERITRADE PROFIT SHARING  
AND TRUST ACCOUNT NO. 240083927, AND  
TWELVE THOUSAND FORTY DOLLARS  
(\$12,040.00) IN UNITED STATES CURRENCY,

Defendants *in Rem*.

and

MICHAEL RUDIN and MELISSA RUDIN,

Claimants/Defendants.

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**ANSWER TO COMPLAINT FOR FORFEITURE**

NOW COME Michael Rudin and Melissa Rudin (“Defendants”), by and through their attorneys, Richard M. Lustig and Dov W. Lustig, and for their Answer to Complaint for Forfeiture, states as follows:

**JURISDICTION AND VENUE**

1. Admit.
2. Admit.
3. Admit.
4. Admit.
5. Admit.

**DEFENDANTS IN REM**

6. Admit.

**FACTUAL BASIS FOR CIVIL FORFEITURE**

7. Defendants neither admit nor deny the allegations contained in paragraph 7 of the Complaint, but leave the Plaintiff to its proofs.

8. Defendants neither admit nor deny the allegations contained in paragraph 8 of the Complaint, but leave the Plaintiff to its proofs.

9. Defendants neither admit nor deny the allegations contained in paragraph 9 of the Complaint, but leave the Plaintiff to its proofs.

10. Defendants neither admit nor deny the allegations contained in paragraph 10 of the Complaint, but leave the Plaintiff to its proofs.

11. Defendants neither admit nor deny the allegations contained in paragraph 11 of the Complaint, but leave the Plaintiff to its proofs.

12. Defendants deny the allegations contained in paragraph 12 of the Complaint for the reason that said allegations are untrue.

13. Defendants deny the allegations contained in paragraph 13 of the Complaint for the reason that said allegations are irrelevant to Detectives Wermuth and Yaldoo.

14. Defendants neither admit nor deny the allegations contained in paragraph 14 of the Complaint, but leave the Plaintiff to its proofs.

15. Defendants neither admit nor deny the allegations contained in paragraph 15 of the Complaint, but leave the Plaintiff to its proofs.

16. Defendants neither admit nor deny the allegations contained in paragraph 16 of the Complaint, but leave the Plaintiff to its proofs.

17. Defendants neither admit nor deny the allegations contained in paragraph 17 of the Complaint, but leave the Plaintiff to its proofs.

18. Defendants neither admit nor deny the allegations contained in paragraph 18 of the Complaint, but leave the Plaintiff to its proofs.

19. Defendants neither admit nor deny the allegations contained in paragraph 19 of the Complaint, but leave the Plaintiff to its proofs.

20. Defendants neither admit nor deny the allegations contained in paragraph 20 of the Complaint, but leave the Plaintiff to its proofs.

21. Defendants neither admit nor deny the allegations contained in paragraph 21 of the Complaint, but leave the Plaintiff to its proofs.

22. Defendants neither admit nor deny the allegations contained in paragraph 22 of the Complaint, but leave the Plaintiff to its proofs.

23. Defendants neither admit nor deny the allegations contained in paragraph 23 of the Complaint, but leave the Plaintiff to its proofs.

24. Defendants neither admit nor deny the allegations contained in paragraph 24 of the Complaint, but leave the Plaintiff to its proofs.

25. Defendants neither admit nor deny the allegations contained in paragraph 25 of the Complaint, but leave the Plaintiff to its proofs.

26. Defendants neither admit nor deny the allegations contained in paragraph 26 of the Complaint, but leave the Plaintiff to its proofs.

27. Defendants neither admit nor deny the allegations contained in paragraph 27 of the Complaint, but leave the Plaintiff to its proofs.

28. Defendants neither admit nor deny the allegations contained in paragraph 28 of the Complaint, but leave the Plaintiff to its proofs.

29. Defendants neither admit nor deny the allegations contained in paragraph 29 of the Complaint, but leave the Plaintiff to its proofs.

30. Defendants neither admit nor deny the allegations contained in paragraph 30 of the Complaint, but leave the Plaintiff to its proofs.

31. Defendants neither admit nor deny the allegations contained in paragraph 31 of the Complaint, but leave the Plaintiff to its proofs.

32. Defendants neither admit nor deny the allegations contained in paragraph 32 of the Complaint, but leave the Plaintiff to its proofs.

33. Defendants neither admit nor deny the allegations contained in paragraph 33 of the Complaint, but leave the Plaintiff to its proofs.

34. Defendants neither admit nor deny the allegations contained in paragraph 34 of the Complaint, but leave the Plaintiff to its proofs.

35. Defendants neither admit nor deny the allegations contained in paragraph 35, of the Complaint but leave the Plaintiff to its proofs.

**CLAIM FOR RELIEF**

36. Defendants neither admit nor deny the allegations contained in paragraph 36 of the Complaint, but leave the Plaintiff to its proofs.

37. Defendants neither admit nor deny the allegations contained in paragraph 37 of the Complaint, but leave the Plaintiff to its proofs.

**CONCLUSION**

WHEREFORE, Defendants respectfully requests that warrants for arrests of the Defendants not be issued and due notice be given to all interested parties to appear and show cause why forfeiture should not be decreed, that judgment not be entered declaring the defendants *in rem* to be condemned and forfeited to the United States for disposition according to law; and that Defendants be granted such other further relief as this Court may deem just and proper. Further, that Defendant Michael Rudin be given the judgment amount plus interest from the date that it was seized.

I declare the statements above are true to the best of my knowledge, information and belief.

Respectfully submitted,

/s/ Richard M. Lustig

Richard M. Lustig  
Attorney for Defendants  
240 Daines  
Birmingham, Michigan 48009  
(248) 258-1600  
[richardlustiglaw@aol.com](mailto:richardlustiglaw@aol.com)

/s/ Dov W. Lustig

Dov W. Lustig (P51250)  
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Dated: June 11, 2013

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**AFFIRMATIVE DEFENSES**

Claimants assert herein the following Affirmative Defenses:

1. Plaintiff lacks probable cause for the institution of this forfeiture proceeding.
2. The allegations of the Complaint for Forfeiture herein are predicated upon information acquired through unlawful searches and seizures conducted in violation of legitimate expectations of privacy guarantees to the Claimants by the Constitution and laws of the United States.
3. The forfeiture of the Defendants' property sought herein is unlawful in that the statute of limitations have run and the possession of said property was held with joint interest of the federal and state government.

4. Additionally, Claimants were at all times innocent of any knowledge of or participation in any alleged illegal activities in relation to the Defendants' property.

**JURY DEMAND**

Claimants respectfully request a trial by jury in this case.

Respectfully submitted,

/s/ Richard M. Lustig  
Richard M. Lustig (P16868)  
Attorney for Defendant  
240 Daines  
Birmingham, MI 48009  
(248) 258-1600  
[richardlustiglaw@aol.com](mailto:richardlustiglaw@aol.com)

Respectfully submitted,

/s/ Dov W. Lustig  
Dov W. Lustig (P51250)  
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240 Daines  
Birmingham, MI 48009  
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**CERTIFICATE OF SERVICE**

I certify that on June 11, 2013, I electronically filed an **Answer to Complaint for Forfeiture**; and this **Certificate of Service** with the Clerk of the Court using the ECF system, which will send notification of such filing to the following:

Linda Aouate [linda.aouate@usdoj.gov](mailto:linda.aouate@usdoj.gov)

I further certify that on June 11, 2013, I served the **Answer to Complaint for Forfeiture** and this **Certificate of Service**, upon the following, by placing same in an envelope with sufficient postage prepaid, and mailing via United States First Class Mail to:

Michael Rudin  
5035 Village Square Ct.  
W. Bloomfield, MI 48322

Melissa Rudin  
5035 Village Square Ct.  
W. Bloomfield, MI 48322

/s/ Richard M. Lustig  
Richard M. Lustig (P16868)  
Attorney for Defendant  
240 Daines Street  
Birmingham, Michigan 48009  
(248) 258-1600  
[richardlustiglaw@aol.com](mailto:richardlustiglaw@aol.com)